IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 3745 of 1999

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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VIRAMGAM MUNICIPALITY & 1 - Petitioner(s)

Versus

DY.COLLECTOR & 1 - Respondent(s)

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Appearance :

MR TUSHAR MEHTA for Petitioner(s) : 1,None for Petitioner(s) : None for Petitioner No(s).: for Petitioner(s) : 2,
RULE SERVED for Respondent(s) : 1 - 2.

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 06/12/2005

ORAL JUDGMENT

1. In the present petition, petitioner Viramgam Municipality and its President at the relevant time have

challenged legality of communication dated 8/5/1999, copy of which is produced to Annexure 'A' to the petition. By the impugned communication Dy. Collector, Viramgam was pleased to prevent the petitioners from entering into any financial transactions except the salary and any unavoidable administrative expenses. From the contents of the communication, it can be seen that the said order was passed on account of proceedings being initiated against the municipality for its supersession. During the pendency of the petition, such communication was stayed by this Court.

2. The stay was granted by the Dy.Collector since proceedings were supersession of the municipality was initiated on the ground that the employees are not paid pay and allowances since March 1999. During the pendency of the petition many developments would have taken place. Term for which the elected body of the municipality was constituted would have been over. Fresh elected body would have been installed. The communication has, therefore, lost its efficacy and it would not be appropriate to permit the respondents to act on the same at this point to time.

3. In view of the above observations, petition is disposed of. Rule is made absolute to the above extent. No order as to costs.

(Akil Kureshi, J.)

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